

## ORDINANCE 07-02

### AN ORDINANCE REGARDING THE DEDICATION OF RIGHTS-OF-WAY WITHIN THE TOWN OF WESTFIELD, INDIANA

**WHEREAS**, the Town of Westfield, Indiana ("Town") is responsible for the streets, roadways and public ways within the Town; and

**WHEREAS**, improvements to these public ways are often necessary due to the rapid growth of the Town; and

**WHEREAS**, the right-of-way needed for such improvements is often contributed and dedicated to the Town; and

**WHEREAS**, the Town is desirous of developing a consistent manner in which such dedications occur;

### NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, INDIANA:

**Section 1.** All dedications of right-of-way to the Town of Westfield, Indiana shall be completed using a form substantially similar to the form attached as Exhibit A hereto and incorporated herein.

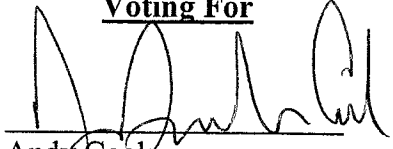
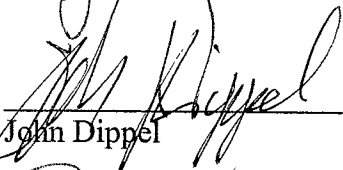
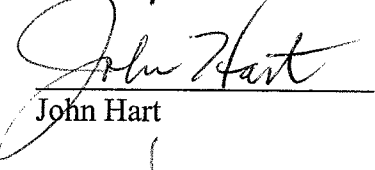
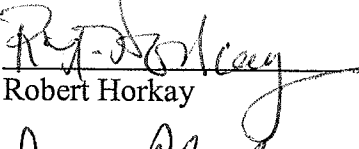
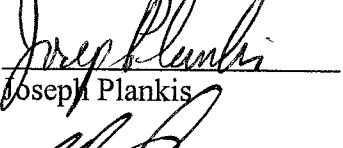
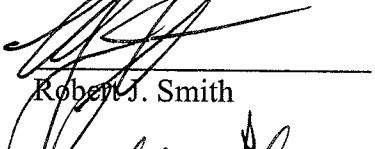

**Section 2.** The Council hereby authorizes the Director of the Westfield Public Works Department to accept on behalf of the Town of Westfield and provide for the recording of Dedications of Rights of Way as deemed in the best interests of the Town.

**Section 3.** Any portion of this Ordinance that may later be deemed invalid shall not effect the remaining provisions.

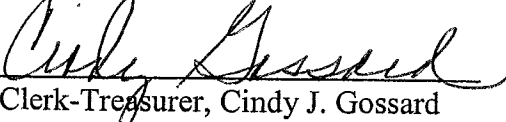
**Section 4.** This Ordinance shall be in full force and effect upon its passage and publication, as provided by the laws of the State of Indiana.

ALL OF WHICH IS ORDAINED this 12 day of March, 2007.

**WESTFIELD TOWN COUNCIL**

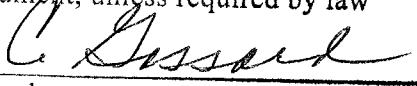
<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 Andy Cook	_____ Andy Cook	_____ Andy Cook
 John Dippel	_____ John Dippel	_____ John Dippel
 John Hart	_____ John Hart	_____ John Hart
 Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
 Joseph Plankis	_____ Joseph Plankis	_____ Joseph Plankis
 Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
 Ron Thomas	_____ Ron Thomas	_____ Ron Thomas

ATTEST:

  
Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:  
Sue A. Beesley  
Bingham McHale LLP

"I affirm, under the penalties of perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

  
Signed \_\_\_\_\_

## EXHIBIT A

Parcel No.

Book \_\_\_\_\_; Page \_\_\_\_\_ or Instrument # \_\_\_\_\_

## DEDICATION OF PUBLIC RIGHT OF WAY

The undersigned being the fee simple owner of all the real estate described herein, for good and valuable consideration, does hereby grant and dedicate to the Town of Westfield, Hamilton County, Indiana, on behalf of and for the public, for use as a right-of-way for public purposes, the following described real estate situated in Hamilton County, Indiana, more particularly described on Attachment 1, and as shown on the sketch, Attachment 2, both attached hereto and made a part hereof.

This dedication is made subject to all existing easements and rights-of-way.

This conveyance of real estate is not subject to Indiana gross income tax.

The Grantor hereby covenants that it is the owner in fee simple of the real estate, is lawfully seized thereof, and has authority to grant and convey the foregoing right of way, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the right of way hereby granted against all claims.

IN WITNESS WHEREOF, Grantor has executed this Dedication as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FEE SIMPLE OWNER

Signature

Printed Name \_\_\_\_\_

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, who acknowledged his authority and the execution of the foregoing Dedication of Public Right-of-Way.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature

Printed: \_\_\_\_\_

My Commission Expires:

County of Residence:

## ACCEPTANCE

WHEREAS, \_\_\_\_\_, has this day filed with the Town of Westfield, Indiana (the "Town"), its dedication of certain real estate, which Dedication is hereinabove set forth:

AND WHEREAS, the Town finds that said Dedication is desirable and necessary;

NOW THEREFORE, the Director of Public Works of the Town of Westfield, Indiana under and by virtue of the power conferred by the Town Council of the Town of Westfield (Ordinance 07-02) for and on behalf of the Town, accepts said Dedication, and orders that the Instrument of Dedication be recorded in the Recorder's Office of the County of Hamilton, State of Indiana, and said described real estate is hereby declared open and dedicated.

DATE OF ACCEPTANCE

DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_

\_\_\_\_\_  
Bruce A. Hauk

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Clerk-Treasurer

This instrument was prepared by: \_\_\_\_\_  
\_\_\_\_\_.

*I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.*

\_\_\_\_\_  
\_\_\_\_\_, Preparer

**ATTACHMENT 1**  
**Real Estate Description**

## **ATTACHMENT 2**

### **Sketch of Right of Way Dedication**